

REMARKS/ARGUMENTS

Claims 31-33 are pending in the present application. Claims 1-30 were canceled; claim 31 was amended; and claim 33 was added. Reconsideration of the claims is respectfully requested.

Claim 31 has been amended and recites “wherein the standard compliant form is completed without searching for a template file that resembles the standard compliant form and wherein the standard compliant form does not have to be found in the template file and have a description associated with a regular expression and have a list of controls.” Support for this amendment can be found at least in Page 6, lines 5-7 and 15-20; Page 7, lines 6-10; Page 9, lines 2-12; FIG. 1; and FIG. 3 of the as-filed specification. Specifically, the Specification, recites: “Form 104 queries database 102 to extract data from the labeled fields in order to fill out the form.” Specification, Page 6, lines 16-17. Further, “[i]f any portion of form 104 is compliant, database 102 is queried (308). Processor 202 invokes form 104, database 102 and rules 106 to fill in all fields in form 104 that can be filled in (310).” Specification, Page 9, lines 9-12. Thus it would be understood by one of ordinary skill in art that a form quarrying a database to extract data and a processor invoking the database to fill in all fields in the form that can be filled implies that the form is filled out without searching for and finding a template file that resembles the form to be filled out.

New claim 33 has been added. Support for this new claim can be found at least in Page 4, lines 7-12; Page 5, lines 6-11; Page 6, lines 5-7 and 15-20; Page 7, lines 6-10; Page 9, lines 10-12; FIG. 2; and FIG. 3 of the as-filed specification.

The cited portions of the specification are for the purpose of illustrating examples for these features and not meant to limit the invention to the specific examples present. Also, support for these features can be found in other portions of the specification as filed. No new matter has been added by these added claims or amendments.

Further, with respect to the claim amendments, Applicants are not conceding in this application that the subject matter of the claims prior to the amendment is not patentable over the art cited by the Examiner. The present claim amendments are made only for facilitating expeditious prosecution the application. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

I. Interview Summary

Applicants thank Examiner Kyle R. Stork for the courtesies extended Applicants' representatives during the April 9, 2009 telephone interview. During the interview, no agreement was reached. The arguments discussed, as well as additional reasons that the claims are patentable, are set forth in the remarks below.

II. 35 U.S.C. § 103, Obviousness

The Examiner has rejected claim 31 under 35 U.S.C. § 103 as being unpatentable over Maxwell et al., U.S. Patent No. 6,589,290 (hereinafter "Maxwell"), and further in view of Pennell et al., U.S. Patent No. 6,910,179 (hereinafter "Pennell"). Office Action dated January 13, 2009, pp. 3-4. This rejection is respectfully traversed.

In rejecting claim 31, the Examiner has cited to Maxwell, col. 12, ll. 51-63 and col. 13, l. 29 to col. 15, l. 32, as disclosing certain features of claim 31. Portions of these citations to Maxwell are provided in relevant part below:

Once an image of the form the user is attempting to populate is produced, the form completion program proceeds to step **515** where it searches for a template file that resembles the form image. The template file comprises a collection of form descriptions.

Maxwell, col. 12, ll. 51-55.

If a template file that resembles the form image to within a certain threshold is located, then the form completion program proceeds to step **517** where it acknowledges that a match occurred. If no match is found the form completion program informs the user that the data population command was not successfully completed. At this point the program may execute step **519** and exit. Otherwise, the form completion program executes step **518** where the information obtained from the template file is utilized to populate the form.

Maxwell, col. 14, ll. 21-28.

Applicants have amended claim 31 to recite "wherein the standard compliant form is completed without searching for a template file that resembles the standard compliant form and wherein the standard compliant form does not have to be found in the template file and have a description associated with a regular expression and have a list of controls."

Claim 31 distinguishes over Maxwell and the other art of record, individually or in combination, because claim 31 does not require a template file to identify the kind of data to

insert into each of the form's data receptacles. Claim 31 recites that the form is filled in automatically upon receipt of the form at the first user's computer. The form is filled in automatically because the processor causes the standard compliant form to extract the data from the standard complaint database without the need to search for a resembling template file. Claim 31 causes a form to be filled in with fewer steps than any of prior art references, individually or in combination.

Thus, the proposed combination of references does not teach or suggest the feature of "wherein the standard compliant form is completed without searching for a template file that resembles the standard compliant form and wherein the standard compliant form does not have to be found in the template file and have a description associated with a regular expression and have a list of controls." Consequently, claim 31 is not obvious in view of the proposed combination of the references because the features believed to be disclosed by the cited reference are not present.

Therefore, it is respectfully urged that the rejection of claim 31 under 35 U.S.C. § 103(a) has been overcome.

II. 35 U.S.C. § 103, Obviousness

The Examiner has rejected claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Maxwell and Pennell, and further in view of Bertram et al., U.S. Patent No. 5,805,159 (hereinafter "Bertram"). Office Action dated January 13, 2009, pp. 4-5. This rejection is respectfully traversed.

Claim 32 depends from and inherits all the features and limitations of independent claim 31. As discussed above, claim 31 comprises features and limitations that are outside the scope of the cited art. Thus, claim 32 comprises features and limitations that are outside the scope of the cited art and is also not obvious at least by virtue of its dependency.

Therefore, it is respectfully urged that the rejection of claim 32 under 35 U.S.C. § 103(a) has been overcome.

III. New Claim 33

New claim 33 is believed to be patentable over the cited references as well for similar reasons as discussed above and with respect to claim 31. Specifically, claim 33 recites in part: “completing the standard compliant form at the second computer by performing steps consisting only of . . .”

The MPEP States:

The transitional phrase "consisting of" excludes any element, step, or ingredient not specified in the claim. *In re Gray*, 53 F.2d 520, 11 USPQ 255 (CCPA 1931) When the phrase "consists of" appears in a clause of the body of a claim, rather than immediately following the preamble, it limits only the element set forth in that clause; other elements are not excluded from the claim as a whole. *Mannesmann Demag Corp. v. Engineered Metal Products Co.*, 793 F.2d 1279, 230 USPQ 45 (Fed. Cir. 1986).

MPEP § 2111.03

As discussed above with respect to claim 31, Maxwell discloses searching for a template file to complete a form. However, claim 33 recites that the form is completed “by performing steps consisting only of . . .” This transition phrase limits the claim element of completing the form to only the steps specified. Thus, claim 33 distinguishes over Maxwell and the other art of record, individually or in combination, at least because claim 33 also does not require a template file to identify the kind of data to insert into each of the form’s data receptacles.

IV. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: April 13, 2009

ROS/jll

Respectfully submitted,

/Rudolf O. Siegesmund/

Rudolf O. Siegesmund
Reg. No. 37,720
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicants